EXHIBIT G

TO: **Board of Supervisors**

FROM: **Murry Wilson, Environmental Division**
Michael Conger, Current Planning Division

DATE: **March 2, 2010**

SUBJECT: **Submittal of CEQA-Required Findings and Statement of Overriding Considerations for Grading and Stormwater Management Revisions; State Clearinghouse No. 2009071013**

I. BACKGROUND

In compliance with the requirements of the California Environmental Quality Act, (Public Resources Code Section 21000 et seq. and the California Environmental Quality Act Guidelines), the County of San Luis Obispo has conducted environmental review of the Grading and Stormwater Management Ordinance revisions. The County issued a Notices of Preparation for the Draft Environmental Impact Report. In August 2009, the Draft Environmental Report was released. After receiving public comment on the Draft Environmental Impact Report the County prepared a document entitled Final Environmental Impact Report. The Final Environmental Impact Report includes the verbatim comments received on the Draft Environmental Impact Report, a list of persons, entities, and agencies providing comments, and the County's responses to the environmental points raised in the comments. These Findings are based upon the information contained in the record of proceedings, including the Final Environmental Impact Report which includes the Draft Environmental Impact Report and appendices, the responses to comments, staff reports, the Mitigation Monitoring Program, the testimony and additional information presented at public hearings, and all of the materials set forth in the Record of Proceedings.

The California Environmental Quality Act provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would *substantially lessen* the significant environmental effects of such projects[.]" (Public Resources Code Section 21002 [emphasis added].) The procedures are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." (Public Resources Code Section 21002.)

The California Environmental Quality Act's mandates and principles are implemented, in part, through the requirement that agencies adopt findings before approving projects for which Environmental Impact Reports are required. For each significant environmental effect identified in an Environmental Impact Report for a proposed project, the approving agency must issue a written finding reaching one or more of three conclusions:

(1) that "[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR,"

(2) "[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding [and] [s]uch changes have been adopted by such other agency or can and should be adopted by such other agency," or

(3) "[s]pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final Environmental Impact Report." (Public Resources Code Section 21081; California Environmental Quality Act Guidelines, 14 California Code of Regulations Section 15091.) The California Environmental Quality Act defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, legal, environmental, social and technological factors." (Public Resources Code Section 21061.1; California Environmental Quality Act Guidelines, 14 California Code of Regulations Section 15364.)

Because the Grading and Stormwater Management Final Environmental Impact Report identified significant effects that may occur as a result of the project, and in accordance with the provisions of the California Environmental Quality Act and the California Environmental Quality Act Guidelines, the County of San Luis Obispo hereby adopts these Findings of Fact and Statement of Overriding Considerations. For each of the significant effects identified herein, as set forth in greater detail in these Findings below, the County makes the finding under Public Resources Code Section 21081(a)(1) and Public Resources Code Section 21081(a)(3) respectively.

In accordance with the provisions of California Environmental Quality Act and the California Environmental Quality Act Guidelines, the County of San Luis Obispo has independently reviewed the record of proceedings and based on the evidence in the Record of Proceedings adopts these Findings of Fact and Statement of Overriding Considerations.

II. PROJECT OBJECTIVES

San Luis Obispo County is considering the following proposed revisions to the Land Use Ordinance, Coastal Zone Land Use Ordinance, Coastal Plan Policies, and North Coast Area Plan. The State CEQA Guidelines require that the EIR Project Description include "a statement of objectives sought by the proposed project" [State CEQA Guidelines, subsection 15124(b)]. The County has identified the following project objectives:

- Comply with the County's Stormwater Management Plan (SWMP).
- Modify and clarify specific standards in the grading ordinance to avoid misunderstanding and misinterpretation.
- Expand the agricultural exemption program and add the alternative review program in the Coastal Zone Ordinance.
- Ensure relative consistency between the standards in the coastal and inland grading ordinances.
- Reduce impacts related to erosion, sedimentation, and stormwater discharges.

In addition, it is the intent of the proposed ordinance changes to promote pre-construction, construction phase, and post-construction Best Management Practices (BMPs) for reducing discharges of pollutants into stormwater. The proposed Grading and Stormwater Management Ordinances would implement identified measures in the Stormwater Management Plan (SWMP) and conservation element. In doing so, this project will reduce impacts related to erosion, sedimentation, and stormwater discharges.

III. PROJECT DESCRIPTION

The County of San Luis Obispo has existing ordinances and policies governing grading, drainage, and erosion and sedimentation control. Projects meeting specified criteria are required to prepare grading plans, drainage plans, and erosion and sedimentation control plans for review and approval. The proposed ordinance changes will modify the existing criteria and standards to reduce impacts associated with grading and other site disturbance activities.

The proposed project consists of revisions to the Land Use Ordinance (Title 22 of the County Code), Coastal Zone Land Use Ordinance (Title 23 of the County Code), Coastal Plan Policies, and North Coast Area Plan. These revisions will modify procedures for reviewing and approving development plans, inspecting and monitoring construction sites for compliance with stormwater measures, long-term maintenance of post-construction devices, and enforcement. The intent of these modifications is to implement three Best Management Practices (BMPs) identified in the County of San Luis Obispo's approved Stormwater Management Plan (SWMP):

- Incorporate General Construction Permit standards into the ordinance.
- Enforce new ordinance requirements.
- Incorporate Municipal Separate Storm Sewer System (MS4) post-construction design standards into the ordinance.

The proposed ordinances would address grading, drainage, erosion and sedimentation control, and stormwater management requirements for new development in the unincorporated areas of the county. These changes will not affect allowable uses or intensity of development beyond what is already allowed under the General Plan and applicable ordinances.

Project Background

The background for the proposed Grading and Stormwater Management Ordinances are thoroughly articulated in the Stormwater Management Program (SWMP):

> *Most of the unincorporated communities within the County lack a formal stormwater infrastructure. The County currently uses the natural hydrology of the watershed to convey stormwater runoff to receiving waters. In areas lacking natural pathways for stormwater runoff, the County uses retention/detention basins to slow runoff and allow for infiltration. Urbanized portions of the County have a larger proportion of impervious surfaces (i.e., roofs, driveways, parking lots, roads) to "natural" surfaces than more rural portions of the County. Impervious surfaces prevent infiltration of stormwater, thereby increasing the velocity and volume of*

stormwater entering a water body at any one point. Urbanized communities have a higher concentration of land uses that increase the presence of household chemicals, commercial products, and vehicles, resulting in an increase in the potential release of pollutants to receiving waters.

Until recently, stormwater runoff in areas with populations of less than 100,000 people was not regulated. Although many existing stormwater runoff controls have been in place, there has not been an integrated and comprehensive approach to preventing pollution from stormwater runoff in these less populated areas. The MS4 General Permit (applicable to jurisdictions that operate a municipal separate storm sewer system / do not treat stormwater runoff) requires that the County of San Luis Obispo, as a Phase II regulated MS4, develop a Stormwater Management Program (SWMP) designed to reduce the discharge of pollutants to the Maximum Extent Practicable (MEP) and to protect water quality.

Enacted in 1990, Phase I of the Stormwater Rule applied to municipal separate storm sewer systems (MS4s) with a service population of 100,000 or more, to construction projects affecting five acres or more of land disturbance, and to certain industrial activities. Phase II of the Stormwater Rule is generally applicable to MS4s serving an urban population of 10,000 or more and construction activities affecting one acre or more of land disturbance.

Under the National Pollutant Discharge Elimination System (NPDES) Phase II Rule and the MS4 General Permit, Small MS4s that meet specific criteria must obtain MS4 General Permit coverage for stormwater discharges. MS4 General Permit coverage for the County was issued by the Central Coast Regional Water Quality Control Board (RWQCB) on March 23, 2007. Coverage under this permit must be renewed every five years. To comply with the State's MS4 General Permit, the MS4 operator (in this case, the County) must implement a Stormwater Management Program (SWMP) that reduces the discharge of pollutants to the "maximum extent practicable", that protects water quality, and that satisfies the requirements of the Clean Water Act according to California's MS4 General Permit.

The County's SWMP is implemented through a series of Best Management Practices (BMPs). These BMPs are grouped as follows:

- Public education and outreach (PE)
- Public participation / involvement (PP)
- Illicit discharge detection and elimination (ID)
- Construction site runoff control (CON)
- Post-construction runoff control (PC)
- Pollution prevention / good housekeeping (MO)

The SWMP is being managed and overseen by the County's Public Works Department. The BMPs identified in the SWMP have been assigned to various departments, to be completed in a specified time frame. Amongst those BMPs to be implemented by the Department of Planning and Building, were modifications to the grading ordinance identified as "Construction site runoff control" and "Post-construction runoff control" measures.

Project Characteristics

The proposed project consists of amendments to Titles 22 and 23 of the County Code (Land Use Ordinance and Coastal Zone Land Use Ordinance), Coastal Plan Policies, and the North Coast Area Plan.

Amendments to the Land Use Ordinance (Title 22)

The Land Use Ordinance (LUO), Title 22 of the County Code, is the primary ordinance concerning land use in the inland portion of the County. The following amendments are proposed to the Land Use Ordinance:

- Adding a new section to Chapter 22.10, which will require specific design standards for certain types of projects regulated by the State Water Resources Control Board (SWRCB) under the General Permit for Municipal Separate Storm Sewer Systems (MS4). The design standards will affect specified uses (e.g. automobile service stations, restaurants, subdivisions, etc.) which require discretionary approval from the County.
- Adding SWRCB General Construction Permit standards to Chapter 22.52. These standards will regulate stormwater discharge for projects involving more than 1 acre site disturbance.
- Modifying the enforcement procedures to match fines with those established in the Clean Water Act and Porter-Cologne Act and to establish that each day a violation occurs constitutes a separate violation.
- Simplifying the criteria/threshold for when a grading permit is required.
- Modifying agricultural exemption and alternative review procedures.
- Implementing Draft Conservation Element Measures SL 1.3.2, which prohibits grading on slopes of 30 percent or greater.
- Adding provisions for the implementation of future hydromodification control standards.
- Reformatting of the sections in Chapter 22.52.
- Adding relevant definitions to Chapter 22.90.
- Updating section references throughout.
- Adding the rangeland management / one-half acre native vegetation removal threshold.

Amendments to the Coastal Zone Land Use Ordinance (Title 23)

The Coastal Zone Land Use Ordinance (CZLUO), Title 23 of the County Code, is the primary ordinance concerning land use in the coastal portion of the County. The CZLUO is one component of the County's Local Coastal Program (LCP), which has been certified by the California Coastal Commission. The following amendments are proposed to the Coastal Zone Land Use Ordinance:

- Adding a new section to Chapter 23.04, which will require specific design standards for certain types of projects regulated by the State Water Resources Control Board (SWRCB) under the General Permit for Municipal Separate Storm Sewer Systems (MS4). The design standards will affect specified uses (e.g. automobile service stations, restaurants, subdivisions, etc.) which require discretionary approval from the County.
- Adding SWRCB General Construction Permit standards to Chapter 23.05. These standards will regulate stormwater discharge for projects involving more than 1 acre site disturbance.

- Modifying the enforcement procedures to match fines with those established in the Clean Water Act and Porter-Cologne Act and to establish that each day a violation occurs constitutes a separate violation.
- Simplifying the criteria/threshold for when a grading permit is required.
- Introducing elements from the Land Use Ordinance, including thorough standards for grading, drainage, and erosion and sedimentation control; an expanded agricultural exemption and alternative review program; and an inspection program.
- Adding provisions for the implementation of future hydromodification control standards.
- Reformatting of the sections applicable to grading, drainage, and erosion and sedimentation control in Chapter 23.05.
- Adding relevant definitions to Chapter 23.11.
- Updating section references throughout.
- Adding the rangeland management / one-half acre native vegetation removal threshold.

Amendments to the Coastal Plan Policies

The Coastal Plan Policies are a component of the County's General Plan and Local Coastal Program (LCP). The following amendments are proposed to the Coastal Plan Policies:

- Updating section references throughout.

Amendments to the North Coast Area Plan

The North Coast Area Plan (NCAP) is a component of the County's General Plan (Land Use and Circulation Elements) and Local Coastal Program (LCP). This plan applies to the North Coast planning area, which includes the community of Cambria, San Simeon, and surrounding rural areas within the Coastal Zone boundary, extending from Harmony to Ragged Point. The following amendments are proposed to the North Coast Area Plan:

- Implementing a portion of Combining Designation Program 14 by introducing a new planning area standard relevant to the Lodge Hill area of Cambria.
- Updating section references throughout.

IV. THE RECORD

For the purposes of CEQA and the Findings VI-VIII, the record of the Planning Commission and Board of Supervisors relating to the application includes:

1. Documentary and oral evidence received and reviewed by the Planning Commission and Board of Supervisors during the public hearings on the project.
2. The Grading and Stormwater Management General Plan and Ordinance Revisions Final Environmental Impact Report (October 2009).
3. The Grading and Stormwater Management Revisions application and supporting materials.

4. The Grading and Stormwater Management Revisions Staff Reports prepared for the Planning Commission/Board of Supervisors.
5. Matters of common knowledge to the Commission/Board which it considers, such as:
    a. The County General Plan, including the land use maps and elements thereof;
    b. The text of the Land Use Element;
    c. The California Environmental Quality Act (CEQA) and the CEQA Guidelines.
    d. The County of San Luis Obispo Environmental Quality Act Guidelines;
    e. The County Annual Resources Summary Report;
    f. The Clean Air Plan, and South County Air Quality Mitigation Program;
    g. The SLO County Stormwater Management Program;
    h. The State Water Resources Control Board General Construction Permit and General Permit for Municipal Separate Storm Sewer Systems;
    i. The Federal Clean Water Act and the Porter-Cologne Act;
    j. Other formally adopted County, State and Federal regulations, statutes, policies, and ordinances;
    k. Additional documents referenced in the Final EIR for the Grading and Stormwater Management Revisions.

V. CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT

The Board of Supervisors recommends certification of the Final EIR for the Grading and Stormwater Management Revisions, based on the following:

A. The Board of Supervisors has reviewed and considered the Grading and Stormwater Management General Plan and Ordinance Revisions Final EIR.

B. The Final Environmental Impact Report for the Grading and Stormwater Management Revisions has been completed in compliance with the California Environmental Quality Act.

C. The Final Environmental Impact Report, and all related public comments and responses have been presented to the Board of Supervisors, and they have reviewed and considered the information contained in the Final Environmental Impact Report and testimony presented at the public hearings prior to approving the Grading and Stormwater Management General Plan and Ordinance Revisions.

D. The Grading and Stormwater Management Revisions Final EIR reflects the independent judgment of the Board of Supervisors, acting as the lead agency for the project.

VI. FINDINGS FOR IMPACTS IDENTIFIED AS INSIGNIFICANT (Class III)

The findings below are for Class III impacts. Class III impacts are impacts that are adverse, but not significant.

A. Agricultural Resources (Class III)

1. **Impact AG-5.** The proposed Grading and Stormwater Management Ordinances would modify current development standards. This could lead to a potential change in development patterns and potentially result in impacts to agricultural resources as a result of dust generated by grading activities. Impacts would be Class III, less than significant.

a. **Mitigation** – With the incorporation of the Air Quality dust control mitigation measures, no additional mitigation measures will be required.

b. **Findings** – Compliance with Mitigation Measures AQ-1(a), AQ-1(b), and AQ-1(c) would ensure that impacts on agricultural resources pertaining to fugitive dust would be reduced to a level of insignificance.

c. **Supportive Evidence** – Please refer to pages 4.1-10 through 4.1-11 and 4.2-8 through 4.2-11 of the Final EIR.

B. Air Quality (Class III)

1. **Impact AQ-4.** Population growth that could occur based on development under the Grading and Stormwater Management Ordinances are consistent with population assumptions in the San Luis Obispo County General Plan. However, the Grading and Stormwater Ordinance would not necessarily implement applicable Transportation Control Measures, as this is infeasible. This is a Class III, less than significant, impact.

a. **Mitigation –** No mitigation measures are required.

b. **Findings** – The County will implement Transportation Control Measures (TCMs) as part of future comprehensive General Plan updates. Current General Plan updates in process will address land use and circulation in the rural unincorporated portions of the County. Implementing TCMs through grading ordinance revisions is not feasible, as the grading ordinance does not comprehensively address land use and circulation. Therefore, impacts are considered less than significant.

c. **Supportive Evidence –** Please refer to pages 4.2-14 through 4.2-16 of the Final EIR.

C. Hydrology and Water Quality (Class III)

1. **Impact HWQ-2.** The proposed Grading and Stormwater Management Ordinances would introduce agricultural exemptions and the alternative review process to the Coastal Zone. This would facilitate potential expansion of agricultural uses. Expansion of agriculture could potentially result in an increase in agricultural runoff, which could impact water resources. Because agricultural grading would be subject to the requirements of the conditional agricultural waiver program, overseen by the Regional Water Quality Control Board, this impact would be considered Class III, insignificant.

a. **Mitigation –** No mitigation measures are required.

b. **Findings –** Discharges from agricultural lands are required to seek coverage under a General NPDES permit, or to follow the requirements of the conditional waiver for irrigated agriculture. In either case, practices to avoid impacts to water quality will be employed. Therefore the impact will be less than significant.

c. **Supportive Evidence** – Please refer to pages 4.5-12 through 4.5-14 of the Final EIR.

2. **Impact HWQ-3.** The proposed Grading and Stormwater Management Ordinances would modify development standards for certain types of projects. These standards may affect the amount of impervious surfacing. An increase in impervious surfacing could affect the direction, velocity, and volume of drainage. This would be considered a Class III, insignificant, impact.

a. **Mitigation –** No mitigation measures are required.

b. **Findings –** The proposed ordinances would require compliance with Low Impact Development (LID) practices, which encourage techniques that would avoid substantial changes to direction, velocity, and volume of drainage.

c. **Supportive Evidence** – Please refer to pages 4.5-14 through 4.5-15 of the Final EIR.

D. Geologic Hazards (Class III)

1. **Impact G-2.** The proposed Grading and Stormwater Management Ordinances would modify current development standards. This could result in a change in location for proposed development, and could result in such development being located in areas where soil related hazards (e.g. expansive soils, erosive soils, subsidence and settlement, landslide, and liquefaction) occur. Structural development in these areas could be impacted by soil conditions. Impacts are Class III, less than significant.

a. **Mitigation –** Application of existing procedures under Title 19 (Building and Construction Ordinance) of the County Code and the 2007 California Building Code will ensure that impacts are less than significant. No further measures beyond existing policies will be necessary.

b. **Findings –** Existing requirements under the California Building Code require that geotechnical reports be provided for most types of development. Review and approval of building plans under current procedures will ensure that impacts will be less than significant.

c. **Supportive Evidence** – Please refer to pages 4.6-10 through 4.6-11 of the Final EIR.

E. Noise (Class III)

1. **Impact N-1.** The proposed Grading and Stormwater Management Ordinances would modify current development standards, leading to construction and construction-related noise and vibration. This is a Class III, less than significant, impact.

a. **Mitigation –** Existing requirements under the Land Use and Coastal Zone Land Use Ordinances and under the Noise Element will ensure that both short-term and long-term noise impacts are fully addressed. These existing requirements ensure that any noise/vibration impacts will not be significant. No measures beyond the existing requirements are necessary.

b. **Findings –** Compliance with existing ordinance and General Plan requirements will ensure that impacts will not be significant.

c. **Supportive Evidence** – Please refer to pages 4.7-6 through 4.7-8 of the Final EIR.

2. **Impact N-2.** The proposed Grading and Stormwater Management Ordinances would modify current development standards, leading to associated increases in traffic. Long-term traffic could increase noise levels at existing receptors throughout the County. This is a Class III, less than significant, impact.

a. **Mitigation –** Existing requirements under the Land Use and Coastal Zone Land Use Ordinances and under the Noise Element will ensure that both short-term and long-term noise impacts are fully addressed. Additionally, mitigation measures provided in Section 4.1, Agricultural Resources, will ensure that any impacts caused by an increase in agricultural use are fully addressed. These existing requirements ensure that any noise/vibration impacts will not be significant. No measures beyond the existing requirements are necessary.

b. **Findings –** Compliance with existing ordinance and General Plan requirements will ensure that impacts will not be significant.

c. **Supportive Evidence** – Please refer to pages 4.7-8 through 4.7-9 of the Final EIR.

F. Public Services (Class III)

1. **Impact PS-1.** The proposed Grading and Stormwater Management Ordinances would modify current development standards. This could exceed flow capacities and / or require improvements to wastewater conveyance systems. In areas where septic systems treat wastewater, health hazards and / or impacts to water quality could occur. Compliance with applicable County policies and payment of required development impact fees would ensure Class III, less than significant, impacts.

a. **Mitigation –** No mitigation is required beyond standard County ordinance requirements. Future development in urban areas (where community sewer systems are available) would be required to pay impact fees to fund improvements and offset impacts on County treatment plants. With payment of these fees, impacts to wastewater conveyance systems throughout the County would be less than significant. For development in areas where development would not be serviced by a community sewer system, wastewater treatment systems would be required to comply with Title 19 of the County Code (Sections 19.07.022 and 19.07.023) to ensure septic system design and capacities are adequate. Compliance with these requirements would ensure less than significant impacts.

It should be noted that, in accordance with Section 19.10.030 of the County code, the construction of any building requiring a new or enlarged sewage disposal system or sewage holding tank system within the community of Baywood Park and Los Osos is not

allowed. Pursuant to Section 19.10.031, the temporary building moratorium established by Section 19.10.030 shall be in full force and effect until such time as a sewage collection, treatment and disposal system is installed to serve the entire prohibition zone identified in California Regional Water Quality Control Board Resolution 83-13, Exhibit A.

b. Findings – Compliance with applicable County policies and payment of required development impact fees would ensure less than significant impacts.

c. Supportive Evidence – Please refer to pages 4.8-16 through 4.8-17 of the Final EIR.

2. Impact PS-2. The proposed Grading and Stormwater Management Ordinances would modify current development standards. Development occurring under the revised ordinances could affect fire protection, police protection, and/or parks and recreation services. With payment of required development impact fees, this is a Class III, less than significant, impact.

a. Mitigation – Compliance with fire safety requirements in the Land Use Ordinance and Coastal Zone Land Use Ordinance and payment of required Public Facility impact fees and Quimby Fees are already required. These existing measures serve to mitigate each project's individual contribution towards significant impacts on fire services, police and emergency services, and parks/recreational facilities. No additional mitigation measures beyond existing requirements are necessary.

b. Findings – Compliance with ordinance requirements and payment of required development impact fees would ensure that impacts would be reduced to a less-than-significant level.

c. Supportive Evidence – Please refer to pages 4.8-17 through 4.8-19 of the Final EIR.

3. Impact PS-3. The proposed Grading and Stormwater Management Ordinances would modify current development standards. While the ordinance revisions would not, themselves, result in impacts, buildout under current General Plan parameters would result in the addition of potential students. With the incorporation of existing impact fees, this will be a Class III, less than significant, impact.

a. Mitigation – Payment of existing statutory school impact fees would reduce impacts to a less-than-significant level. No further measures beyond the existing requirements would be necessary.

b. Findings – Payment of required school impact fees would ensure that impacts would be reduced to a less-than-significant level.

c. Supportive Evidence – Please refer to pages 4.8-19 through 4.8-20 of the Final EIR.

G. Transportation and Circulation (Class III)

1. Impact T-3. The proposed Grading and Stormwater Management Ordinances will not change existing General Plan, Land Use Ordinance, or Coastal Zone Land Use Ordinance regulations concerning density or intensity. Projects will continue to buildout under parameters anticipated by the General Plan. The project will not result in the generation of significant long-term transportation impacts. Therefore, this is a Class III, less than significant, impact.

a. Mitigation – Development projects in areas with cumulative transportation impacts are already required to contribute road impact fees. With this program in place, no further mitigation measures are required.

b. Findings – Payment of road fees would ensure that impacts would be reduced to a less-than-significant level.

c. Supportive Evidence – Please refer to pages 4.9-10 through 4.9-11 of the Final EIR.

H. Visual Resources (Class III)

1. Impact VR-3. The proposed Grading and Stormwater Management Ordinances would modify the County's current development standards. This could lead to a potential change in development patterns and a change in physical impacts relating to night lighting. Assuming development occurs in compliance with existing ordinance provisions, this is a Class III, less than significant, impact.

a. Mitigation – With the incorporation of existing ordinance standards and policies, no further mitigation measures are required.

b. Findings – Compliance with existing ordinance requirements would ensure that impacts are reduced to a less-than-significant level.

c. Supportive Evidence – Please refer to pages 4.10-8 through 4.10-9 of the Final EIR.

I. Water Resources (Class III)

1. Impact WR-2. The proposed Grading and Stormwater Management Ordinances would modify the current development standards relating to erosion and sedimentation control and stormwater management. While the project may result in minor short-term construction phase impacts to water availability in order to design a project consistent with new standards, the project would not result in long-term impacts to water resources or infrastructure. This is because the project would not affect density and intensity limitations already established by the County and would not hasten non-agricultural growth by removing regulatory restrictions. As such, this would be a Class III, less than significant, impact.

a. Mitigation – No mitigation measures are necessary.

b. Findings – Because the project will not affect density and intensity limitations and will not remove restrictions hastening non-agricultural growth, impacts to water resources resulting from such activities would be less than significant.

c. Supportive Evidence – Please refer to pages 4.11-17 through 4.11-18 of the Final EIR.

VII. FINDINGS FOR IMPACTS IDENTIFIED AS SIGNIFICANT BUT MITIGABLE (Class II)

Class II impacts are those which are significant, but they can be mitigated to insignificance by implementation of certain mitigation measures.

A. Agricultural Resources (Class II)

1. **Impact AG-1.** The proposed Grading and Stormwater Management Ordinances would modify current development standards. This could lead to a potential change in development patterns and a change in physical impacts to agricultural resources. Impacts would be Class II, significant but mitigable.

a. Mitigation –

AG-1(a) Project-Specific Consideration of Development on Farmland. Projects which are subject to environmental review shall be considered for consistency with the Agriculture and Open Space Element. Under the County's established thresholds of significance, removal of prime farmland from production shall be considered an impact. Referrals shall be provided to the Agricultural Commissioner's office for projects occurring on or near agricultural lands. Criteria for evaluating projects relative to agricultural impacts shall include whether non-agricultural development has been located off of farmland to the maximum extent feasible.

AG-1(b) Restoration of Topsoil. Topsoil that has been removed from the surface in preparation for grading shall be stored on or near the site protected from erosion while grading operations are underway, provided that such storage may not be located where it would cause suffocation of root systems of trees intended to be preserved or near a watercourse where sedimentation may occur. After completion of such grading, topsoil is to be restored to exposed cut and fill embankments or building pads to provide a suitable base for seeding and planting. This measures shall be incorporated into the grading ordinance.

AG-1(c) Avoid Prime Soils. As a criteria for grading permit approval, non-agricultural development shall avoid prime soils to the maximum extent feasible.

b. Findings – With the implementation of the above mitigation measures, impacts to Agricultural Resources would be reduced to less than significant levels.

c. Supportive Evidence – Please refer to pages 4.1-5 through 4.1-6 of the Final EIR.

2. **Impact AG-3.** The proposed Grading and Stormwater Management Ordinances would add procedural requirements to certain classes of agricultural grading in the inland areas. These changes could discourage agriculturalists from expanding production. This would be a Class II, significant but mitigable, impact.

a. Mitigation –

AG-3(a) Exemption from 30 Percent Slope Limitation. Crop production, grazing, agricultural exempt structures, and roads exclusively supporting these uses shall be exempt from the 30 percent slope limitation.

AG-3(b) Enhanced Exemption for Ongoing Agriculture. Grading for the ongoing production of food and fiber, the growing of plants, and the ~~raising and keeping~~ management of ~~livestock~~ rangeland shall be exempt when all of the following are true:

- ~~The proposed~~ For grading activities ~~are~~ related to crop production, the proposed grading is limited to preparing a field for a crop ~~or range improvement~~and associated drainage improvements on land that has been previously cultivated, within the previous five years~~, harrowing, disking, ridging, listing, chaining, planting, harvesting, re-planting, and irrigating~~.
- ~~For at least one~~ Covered under a conservation plan prepared as part of the ~~preceding five years, the land to be graded has been subject to agricultural~~ Conservation Reserve Program. Cultivation shall include the following practices~~. These practices include, but are not limited to, active fallowing, grazing, irrigation of pastures, crop production, cultivation,~~: disking, harrowing, raking or chiseling, planting, plowing, seeding, or other tilling.
- For grading activities related to rangeland management for commercial livestock production, the grading is limited to the following activities: vegetation management, such as reseeding or vegetation modification; or livestock watering systems and associated drainage improvements other than ponds or reservoirs. To qualify for this exemption, these activities shall take place only on land where grazing has occurred within the previous five years.
- All site work shall be balanced. No importation or exportation of fill material from / to off-sitee parcels shall occur. These fill material include topsoil, sand, and biosolids. The importation or exportation of soil fertility amendments to enhance crop production or rangeland fertility is permissible under this exemption. Soil fertility amendments include materials described in the California Food and Agricultural Code Sections 14511 et seq. (excluding Sections 14552(e) and 14560. ~~complies with Natural Resources Conservation Services (NRCS) recognized agricultural practices contained in the Field Operations Technical Guide (FOTG), and effective erosion and sedimentation control measures will be implemented.~~
- ~~The site work does not involve tilling or ripping deeper than two feet on slopes identified by the NRCS as having a high or very high erosion hazard rating.~~All site work complies with the standards identified in Subsection C.1.
- The grading does not involve construction of or modification to dams, ponds, reservoirs, or roads; however ~~,~~farm roads located entirely within or on the edge of existing fields may be modified or re-oriented under this exemption.

These projects shall be exempt as-of-right, and shall not require verification of an agricultural exemption form by the Department of Planning and Building before work may proceed.

AG-3(c) Exemption from Drainage Plan Preparation. Crop production, grazing, agricultural exempt structures, and roads exclusively supporting these uses shall be exempt from drainage plan requirements.

AG-3(d) Exemption from Stormwater Pollution Prevention Plan Preparation. Agricultural uses which are subject to waiver or conditional waiver of coverage under the

State Water Resources Control Board's General Construction Permit, shall also be exempt from County requirements pertaining to Stormwater Pollution Prevention Plan (SWPPP) preparation and implementation. This measure shall be implemented under the grading ordinance.

b. Findings – With the implementation of the above mitigation measures, impacts to Agricultural Resources would be reduced to less than significant levels.

c. Supportive Evidence – Please refer to pages 4.1-8 through 4.1-10 of the Final EIR.

3. Impact AG-6. The proposed Grading and Stormwater Management Ordinances would modify current development standards. This could result in a change in location for proposed development. Locating such development in close proximity to agricultural uses could result in a potential land use conflict. This is a Class II, significant but mitigable, impact.

a. Mitigation –

AG-6(a) Review for Consistency with Buffer Policy. Projects which are subject to environmental review shall be considered for consistency with the Agriculture and Open Space Element. Through this process, the County's Buffer Policy, established as Appendix D of the Agriculture and Open Space Element, shall be employed. Projects which are not found to be consistent with the County's buffer policy shall be mitigated to the maximum extent feasible.

b. Findings – With the implementation of the above mitigation measures, impacts to Agricultural Resources would be reduced to less than significant levels.

c. Supportive Evidence – Please refer to pages 4.1-11 through 4.1-12 of the Final EIR.

B. Air Quality (Class II)

1. Impact AQ-1. The proposed Grading and Stormwater Management Ordinances would modify current development standards. This would lead to a change in the grading practices and associated construction and construction-related emissions. These emissions may result in short-term adverse impacts to local air quality. However, such emissions would be temporary and would be mitigated on a specific development basis. Construction air quality impacts are therefore considered Class II, significant but mitigable.

a. Mitigation –

AQ-1(a) Fugitive Dust Control. All proposed projects shall include the following fugitive dust control measures:

- Reduce the amount of the disturbed area where possible;
- Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency shall be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water shall be used whenever possible;
- All dirt stock-pile areas shall be sprayed daily as needed; and

- All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible, and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

All dust control measures shall be shown on the approved plans.

AQ-1(b) Fugitive Dust Control – Expanded Requirements. Projects which are more likely to contribute to fugitive dust impacts include projects with site disturbance that exceeds four acres, and projects that are within 1,000 feet of sensitive receptors (e.g. schools, parks, playgrounds, residential communities, etc.). Such projects shall incorporate the following additional dust control measures:

- Permanent dust control measures identified in the approved project plans shall be implemented as soon as possible following completion of any soil disturbing activities;
- Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating native grass seed and watered until vegetation is established;
- All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114;
- Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site; and
- Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible.

All dust control measures shall be shown on the approved plans.

AQ-1(c) Designated Monitor. For all grading projects, the contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.

AQ-1(d) Exportation and Importation. In order to reduce emissions from grading projects requiring the transportation of 2,000 cumulative cubic yards or more of material, the Director shall have the authority to impose one or more of the following conditions:

- Limiting the distance between the project site and the source/destination site.
- Requiring that export/import be phased over a specified amount of time.
- Scheduling truck trips during non-peak hours to reduce peak hour emissions.

- Limiting the length of the workday.
- Applying trucking equipment emission reduction measures as approved by the Air Pollution Control District.

AQ-1(e) Compliance with Air Quality Measures. In compliance with the proposed criteria for approval, the County shall issue a grading permit only if it can be demonstrated that the project will comply with the air quality measures incorporated into the grading ordinance.

b. Findings – With the implementation of the above mitigation measures, impacts to Air Quality would be reduced to less than significant levels.

c. Supportive Evidence – Please refer to pages 4.2-8 through 4.2-11 of the Final EIR.

2. Impact AQ-2. The proposed Grading and Stormwater Management Ordinances would modify current development standards. This would lead to a change in the grading practices and could possibly affect the disturbance of Naturally Occurring Asbestos (NOA) or hydrocarbon contaminated soils. This is a Class II, significant but mitigable, impact.

a. Mitigation –

AQ-2(a) Naturally Occurring Asbestos. Grading work shall comply with California Air Resources Board Asbestos Air Toxics Control Measure (ATCM) for construction and grading. Prior to any grading activities in NOA candidate areas, the project proponent shall ensure that a geologic evaluation is conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the Air Pollution Control District. If NOA is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD.

AQ-2(b) Encountered Hydrocarbon Contaminated Soil. Should hydrocarbon contaminated soil be encountered during construction activities, the Air Pollution Control District (APCD) shall be notified as soon as possible and no later than 48 hours after affected material is discovered to determine if an APCD Permit will be required. In addition, the following measures shall be implemented immediately after contaminated soil is discovered:

- Covers on storage piles shall be maintained in place at all times in areas not actively involved in soil addition or removal;
- Contaminated soil shall be covered with at least six inches of packed uncontaminated soil or other Total Petroleum Hydrocarbon (TPH) non-permeable barrier such as plastic tarp. No headspace shall be allowed where vapors could accumulate;
- Covered piles shall be designed in such a way to eliminate erosion due to wind or water. No openings in the covers are permitted;
- During soil excavation, odors shall not be evident to such a degree as to cause a public nuisance; and
- Clean soil must be segregated from contaminated soil.

AQ-2(c) Anticipated Hydrocarbon Contaminated Soils. An APCD permit to address proper management of anticipated hydrocarbon contaminated soil is required prior to the start of any grading activity or earthwork. This permit shall include conditions to minimize emissions from any excavation, disposal or related process. The applicant is responsible to contact APCD within 120 days prior to the start of any grading activity/earthwork to begin the permitting process.

b. Findings – With the implementation of the above mitigation measures, impacts to Air Quality would be reduced to less than significant levels.

c. Supportive Evidence – Please refer to pages 4.2-11 through 4.2-12 of the Final EIR.

3. Impact AQ-3. The proposed Grading and Stormwater Management Ordinances would modify current development standards. This would lead to a change in the grading practices and could possibly affect Greenhouse Gas (GHG) Emissions. This is a Class II, significant but mitigable, impact.

a. Mitigation –

AQ-3(a) Greenhouse Gas Reduction Plan. Direct project impacts or the contribution of an individual project towards a cumulative impact relating to Greenhouse Gas emissions and Global Climate Change shall be considered as part of the project level environmental review process. Referrals will be sent to the Air Pollution Control District and their response will be included with the Initial Study. If the impact is found to be significant, the applicant shall develop a greenhouse gas reduction plan, incorporating appropriate measures to reduce the impact below a level of significance. The greenhouse gas reduction plan may include, but not be limited to, any combination of the measures identified in the California Air Pollution Control Officers Association (CAPCOA)'s document CEQA and Climate Change (January 2008), such as the following:

- LEED Certification – Require compliance with Leadership in Energy and Environmental Design (LEED) criteria, which incorporate sustainable site development, water savings, energy efficiency, materials selection, and environmental quality requirements.
- Green Building Materials – Use materials which are resource efficient, recycled, have a long life cycle, and are managed in an environmentally friendly way.
- Landscaping – Use of drought-resistant native trees, trees with low emissions and high carbon sequestration potential, and planting of trees to create shade.
- Facilities – Projects shall use high-efficiency pumps, natural gas or electric stoves (i.e. no wood-burning), solar water heaters, and energy star appliances.
- Roofing —Roofing shall be energy star compliant, vegetated (i.e. green roof), or light-colored and highly emissive.
- On-Site Renewable Energy – Provide an on-site renewable energy system.
- Exceed Energy Requirements – Exceed Title 24 (California Code of Regulations) energy requirements by 20 percent.
- Solar Orientation – Orient buildings to face either north or south, provide roof overhands, and use landscaping to create shade. ‘

- Shading – Install energy-reducing shading mechanisms for windows, porches, patios, walkways, etc.
- Ceiling Fans – Install energy reducing ceiling fans.
- Programmable Thermostats – Install energy reducing programmable thermostats that automatically adjust temperature settings.
- Passive Heating and Cooling – Install passive heating and cooling systems.
- Day Lighting – Install energy reducing day lighting systems (e.g. skylights, light shelves, transom windows).
- Local Building Materials – Use locally made building materials for construction projects and related infrastructure.
- Recycle Demolished Construction Materials – Recycle or reuse demolished construction material.
- Off-Site Mitigation Fee – Provide or pay into an off-site mitigation fee program, which focuses primarily on reducing emissions from existing development and buildings.
- Offset Purchase – Provide or purchase offsets for additional emissions by acquiring carbon credits or engaging in other market "cap and trade" systems.

b. Findings – With the implementation of the above mitigation measures, impacts to Air Quality would be reduced to less than significant levels.

c. Supportive Evidence – Please refer to pages 4.2-12 through 4.2-14 of the Final EIR.

C. Biological Resources (Class II)

1. Impact B-1. Future grading and site development in accordance with the Grading and Stormwater Management Ordinances could permanently remove sensitive habitat areas. This is a Class II, significant but mitigable, impact.

a. Mitigation –

B-1(a) Sensitive Habitat Survey and Restoration Plan. Prior to approval of any grading or land use permits which are subject to environmental review, project applicants within potentially sensitive areas as determined by the County based upon review of the California Natural Diversity Database (CNDDB) shall contract with a County approved biologist to survey for sensitive habitats as defined by the County or appropriate state or federal regulatory agencies. If sensitive habitats are found onsite, the applicant shall make all efforts to fully avoid impact to these areas. Where impacts cannot be avoided, the applicant shall contract with a County-approved biologist to develop a Sensitive Habitat Restoration Plan that provides specific measures to enhance and maintain the remaining on-site occurrences of sensitive habitats or to provide off-site mitigation where on-site mitigation cannot fully offset the impact. The Plan could include the following actions:

- Provide an up-to-date inventory of on-site sensitive habitat(s);

- Define attainable and measurable goals and objectives to achieve through implementation of the Plan;
- Provide site selection and justification;
- Detail restoration work plan including methodologies, restoration schedule, plant materials (seed), and implementation strategies.
- Where off-site mitigation is necessary, establish a ratio for off-site restoration and a mechanism for preservation.
- Provide a detailed maintenance plan to include weeding and or spot spraying to keep non-native plant species from further reducing the extent of this habitat type on the property over time. This approach would also have the residual benefit of providing wildland fire protection. Enhancement and maintenance options shall employ recent techniques and effective strategies for increasing the overall area of the sensitive habitats on-site and shall include but not be limited to reseeding or stock container planting disturbed areas with an appropriate native plant palette;
- Define performance standards. Either in a County approved mitigation site within the proposed rezone site or in a County approved off site area, the total restored area should include 2:1 (Sensitive habitat restored: Sensitive habitat impacted) with at least 50% cover of native shrubs. Acreage may vary depending on the location of the mitigation site and restoration effort. The County may require additional acreage for off site mitigation; and,
- Provide a monitoring plan to include methods and analysis of results. Also, include goal success or failure and an adaptive management plan and suggestions for failed restoration efforts.

B-1(b) Wetland Delineation. Prior to approval of any grading or land use permits which are subject to environmental review, project applicants whose land is in potentially sensitive areas as determined by the County shall contract with a County approved biologist to conduct a formal wetland delineation. The delineation shall use methodologies accepted by the Corps and CDFG, and as defined by the County or appropriate state or federal regulatory agencies. The biologist shall determine the location and extent of jurisdictional waters of the U.S. and state on the sites.

A Mitigation Plan shall be developed for areas of disturbance to riparian habitat and other potential wetland areas. The plan shall be prepared by a qualified biologist who is familiar with current Corps and CDFG restoration and mitigation techniques. County required compensatory mitigation shall occur on-site using regionally collected native plant material at a minimum ratio of 2:1 (habitat created to habitat impacted). The resource agencies may require a higher mitigation ratio as a result of the permitting processes.

The plan could include the following components:

- Description of the impact site (i.e., location, responsible parties, jurisdictional areas to be filled/impacted by habitat type);
- Goal(s) of the compensatory mitigation project (type(s) and area(s) of habitat to be established, restored, enhanced, and/or preserved, specific functions and values of

habitat type(s) to be established, restored, enhanced, and/or preserved (any lost wetland habitat shall be replaced on-site using regionally collected native plant material at a minimum ratio of 2:1);

- Description of the proposed compensatory mitigation-site (location and size, ownership status, existing functions and values of the compensatory mitigation-site);
- Implementation plan for the compensatory mitigation-site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan);
- Maintenance activities during the monitoring period (activities, responsible parties, schedule);
- Monitoring plan for the compensatory mitigation-site (performance standards, target functions and values, target hydrological regime, target jurisdictional and non-jurisdictional acreages to be established, restored, enhanced, and/or preserved, annual monitoring reports);
- Completion of compensatory mitigation (notification of completion, agency confirmation); and
- Contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism).
- Identification of potential pollutant sources, that may affect the quality of the discharges to stormwater;
- The proposed design and placement of structural and non-structural BMPs to address identified pollutants.
- A proposed inspection and maintenance program; and
- A method of ensuring maintenance of all BMPs over the life of the project.
- Long term protection, such as through means of an open space easement.

b. Findings – With the implementation of the above mitigation measures, impacts to Biological Resources would be reduced to less than significant levels.

c. Supportive Evidence – Please refer to pages 4.3-21 through 4.3-25 of the Final EIR.

2. Impact B-2. Future development in accordance with the Grading and Stormwater Management Ordinances would potentially affect special status species. This is Class II, significant but mitigable, impact.

a. Mitigation –

B-2(a) Seasonally-Timed Rare Plant Surveys. For individual projects requiring environmental review, as determined by the County, a County-approved botanist shall conduct seasonally timed directed floral surveys per the requirements of the County or appropriate state or federal regulatory agencies prior to approval of grading or land use permits. The floral surveys shall be based on the target list of plant species by the County based upon review of the California Natural Diversity Database (CNDDB) to be completed during the appropriate season to determine the presence or absence of these species. Up to three separate survey visits may be required to capture the flowering

period of all target species. The location and extent of any rare plant occurrences observed on a site should be documented in a report and accurately mapped onto site-specific topographic maps and aerial photographs. If special-status plant species are identified, the approved botanist shall submit written proof that the county and CDFG have been contacted. If federally-listed plant species are identified, then the USFWS must also be contacted.

B-2(b) Special-Status Plant Buffer. If State or Federally listed plant species are found as a result of Mitigation Measure B-2(a), site development plans shall be modified prior to approval of grading or land use permits to avoid such occurrences with a minimum buffer of 50 feet. The applicant shall establish conservation easements for such preserved areas, prior to issuance of the first grading permit. The proposed project shall be amended at that time to place these areas formally into open space.

B-2(c) Special-Status Plant Species Mitigation Plan. If total avoidance of the special status species occurrences (if any) is economically or technologically infeasible, a mitigation program shall be developed prior to approval of grading or land use permits by a qualified botanist under contract with the applicant in consultation with CDFG as appropriate. A research study to determine the best mitigation approach for each particular species to be salvaged may be required to adequately prepare the plan for species that have not been subject to mitigation requirements previously. The special-status plant species mitigation program may include the following:

- The overall goal and measurable objectives of a no-net loss of special status species in the mitigation and monitoring plan;
- Specific areas proposed for re-vegetation and their size. Potential sites for mitigation would be any suitable site within proposed open space, depending on the species, that is appropriately buffered from development.
- Specific habitat management and protection concepts to be used to ensure long-term maintenance and protection of the special-status plant species. (i.e., annual population census surveys and habitat assessments; establishment of monitoring reference sites; fencing of special-status plant species preserves and signage to identify the environmentally sensitive areas; a seasonally-timed weed abatement program; and seasonally-timed seed and/or topsoil collection, propagation, and reintroduction of special-status plant species into specified receiver sites);
- Success criteria based on the goals and measurable objectives to ensure a viable population(s) on the project site in perpetuity;
- An education program to inform the public of the presence of special-status plant species and sensitive biological resources on-site, and to provide methods that residents can employ to reduce impacts to these species/resources in protected open space areas;
- Reporting requirements to ensure consistent data collection and reporting methods used by monitoring personnel; and
- Funding mechanism.

B-2(d) Special-Status Plant Monitoring. If monitoring is necessary, then monitoring shall occur annually and shall last at least five years to ensure successful establishment of all re-introduced or salvaged plants and no-net-loss of the species habitat. In the case of annual plants it is difficult to determine if there has been a net loss or gain of a viable population in a five year period. Therefore, an important component of the mitigation and monitoring plan shall be adaptive management. The adaptive management program shall address both foreseen and unforeseen circumstances relating to the preservation and mitigation programs. The plan shall include follow up surveys for five years and then every five years in perpetuity or until a qualified botanist can demonstrate that the target special-status species has not experienced a net loss. It shall also include remedial measures to address negative impacts to the special-status plant species and their habitats (i.e., removal of weeds, additional seeding/planting efforts) if the species or its habitat are suffering a net loss at the time of the follow up surveys.

B-2(e) Wildlife Surveys and Mitigation. For individual projects within sensitive areas as determined by the County, a wildlife survey shall be conducted by a qualified biologist prior to approval of grading permits or land use permits for proposed development areas that may contain sensitive wildlife as defined by the County or appropriate state or federal regulatory agencies. Such surveys would be required prior to potential development. Appropriate mitigation measures shall be identified by a qualified biologist, and may include one or more of the following measures, as applicable:

- Wildlife Habitat Buffer. Wherever site development is proposed adjacent to wildlife habitat an appropriate buffer of native vegetation shall remain or be established between the habitat area and the proposed development.

B-2(f) Bird Pre-Construction Survey. In order to avoid impacts to nesting raptors and other avian species, which could result in take that is prohibited under CDFG Code 3503 and 3503.5 and the federal Migratory Bird Treaty Act, construction activities for projects within areas that include trees or other sites that could include bird nests should be conducted outside of the peak breeding season (August 15 to March 15). If construction in such areas is to be initiated between March 15 and August 15, a pre-construction survey should be conducted for nesting avian species (including raptors) within 300 feet of proposed construction activities. If nesting raptors (or any other nesting birds) are identified during pre-construction surveys, an appropriate buffer; to be determined by a County-approved biologist in coordination with the California Department of Fish and Game, should be imposed within which no construction activities or disturbance should take place. If nests are identified, work may only proceed prior to August 15 if a County-approved biologist conducts periodic nest checks and confirms that the nest is no longer active (i.e. the young have fledged) and work re-initiation has been specifically authorized by the appropriate regulatory agency.

B-2(g) Minimize Road Widths. Roadway widths adjacent to open space/agricultural areas shall be reduced to the minimum width possible, while maintaining Fire Department Requirements for emergency access, with slower speed limits introduced.

B-2(h) Permits and Agreements. In the event that State listed species would be impacted as a result of development, developers shall submit signed copies of an incidental take permit and enacting agreements from the CDFG regarding those species as necessary under Section 2081 of the California Fish and Game Code prior to the initiation

of grading or construction activities. If a species that is listed under the Federal Endangered Species Act is identified, developers seeking entitlements shall provide proof of compliance with the Federal Endangered Species Act, inclusive as necessary of signed copies of incidental take permit and associated enacting agreements.

b. Findings – With the implementation of the above mitigation measures, impacts to Biological Resources would be reduced to less than significant levels.

c. Supportive Evidence – Please refer to pages 4.3-25 through 4.3-29 of the Final EIR.

3. Impact B-3. Future grading and site development in accordance with the Grading and Stormwater Management Ordinances could permanently affect wildlife movement corridors. This is Class II, significant but mitigable, impact.

a. Mitigation –

B-3(a) Migration Corridors. Prior to approval of any grading or land use permits which are subject to environmental review, applicants of projects subject to the proposed ordinances shall, as determined to be appropriate by County staff, contract with a County-approved biologist to survey for migration corridors. If migration corridors are found onsite or adjacent to the project site, the grading and site development shall be designed to accommodate wildlife passage.

b. Findings – With the implementation of the above mitigation measures, impacts to Biological Resources would be reduced to less than significant levels.

c. Supportive Evidence – Please refer to pages 4.3-29 through 4.3-30 of the Final EIR.

D. Cultural Resources (Class II)

1. Impact CR-1. The proposed Grading and Stormwater Management Ordinances would modify the County's current development standards, leading to a potential change in development patterns and a change in physical impacts to identified or unrecognized historic resources. Impacts would be Class II, significant but mitigable.

a. Mitigation –

CR-1(a) Historical Resource Survey. At the time of application for construction permits for grading projects requiring environmental review, the County shall require an historical resource survey, conducted by a qualified archaeologist or historian approved by the Environmental Coordinator, that assesses the potential impacts of all ground disturbing activities (e.g. access roads, driveways, residences, utility trenches) on those parcels that:

- Are located within an Historic combining designation;
- Contain a designated historic site;
- Are located in an area of known historic resources; or,
- Contain structures greater than 50 years old.

Should the historical resource survey identify significant resources, the mitigation measures recommended by the qualified archaeologist or historian shall become mitigation measures. These measures could include, but not necessarily be limited to:

- Avoidance of significant historical resources;
- Graphic documentation (photographs, drawings, etc.);
- Prohibition of Demolition of Buildings and Structures; and/or
- Restoration, Stabilization, Repair, and Reconstruction.

b. Findings – With the implementation of the above mitigation measures, impacts to Cultural Resources would be reduced to less than significant levels.

c. Supportive Evidence – Please refer to pages 4.4-11 through 4.4-13 of the Final EIR.

2. Impact CR-2. The proposed Grading and Stormwater Management Ordinances would modify the County's current development standards, leading to physical impacts to identified and previously unidentified pre-historic archeological resources. Impacts would be Class II, significant but mitigable.

a. Mitigation –

CR-2(a) Archaeological Surface Survey. At the time of application for construction permits for grading projects requiring environmental review, the County shall require an archaeological surface survey, conducted by a qualified archaeologist approved by the Environmental Coordinator, that assesses the potential impacts of all ground disturbing activities (e.g. access roads, driveways, residences, utility trenches) on those parcels that:

- Are located within an Archaeological Sensitive Area (AS) combining designation;
- Contain known archaeological sites, as recorded on the County's Official Maps;
- Are located in an area designated by the County of San Luis Obispo Planning and Building Department as archaeologically sensitive (e.g. Nipomo, Santa Margarita, Salinas River area); or,
- Contain physical features on-site that may indicate the presence of archeological resources (e.g. springs, creeks, rock outcrops).

Should the archaeological surface survey identify significant resources, the applicant shall avoid the resource if feasible. Should avoidance be infeasible, mitigation measure below shall apply.

CR-2(b) Data Recovery Excavation. If avoidance of an archaeological site(s) is not possible, data recovery excavation shall be completed prior to issuance of grading permits. A data recovery plan shall be submitted by a qualified archaeologist for review by the County Environmental Coordinator. Data recovery shall be funded by the applicant, shall be performed by a County-qualified archaeologist, and shall be carried out in accordance with a research design consistent with the requirements of the California Office of Historic Preservation Planning Bulletin 5, Guidelines for Archaeological Research Design. At a minimum, data recovery shall include:

- Mapping of site boundaries and the distribution of surface remains;

- Surface collection of artifacts;
- Excavation of a sample of the cultural deposit to characterize the nature of the site and retrieve a representative sample of artifacts and other remains within the proposed impact area;
- Monitoring of excavations at Native American sites by a tribal representative;
- Technical studies and analysis of the recovered sample, including radiocarbon dating, typological and technical analysis of tools and debris, identification and analysis of preserved faunal and floral remains, and other studies appropriate to the research questions outlined in the research design;
- Cataloguing and curation of all artifacts and records detailing the results of the investigations at a county approved curation facility;
- Submission of a final technical report detailing the results of the investigations; and
- Preparation of an interpretive report suitable for distribution to the general public.

CR-2(c) Archaeological Resource Construction Monitoring. At the commencement of construction on sites that have been identified as having the potential to support cultural resources based on the mitigation measure listed above, an archaeologist and / or a Native American representative shall conduct an orientation for construction workers to describe site avoidance requirements, the possibility of exposing unexpected archaeological resources, and the steps to be taken if such a find is encountered.

A qualified archaeologist and / or Native American representative shall monitor all earth moving activities within native soil. In the event that archaeological remains are encountered during construction, all work in the vicinity of the find will be halted until such time as the find is evaluated by a qualified archaeologist and appropriate mitigation, if necessary, is implemented.

b. Findings – With the implementation of the above mitigation measures, impacts to Cultural Resources would be reduced to less than significant levels.

c. Supportive Evidence – Please refer to pages 4.4-13 through 4.4-17 of the Final EIR.

3. Impact CR-3. The proposed Grading and Stormwater Management Ordinances would modify current development standards, leading to physical impacts. If development occurs in fossil-bearing strata, significant fossil materials could be damaged or destroyed. Impacts would be Class II, significant but mitigable

a. Mitigation –

CR-3(a) Preparation of a Paleontological Resource Monitoring Plan. At the time of application for construction permits for grading projects requiring environmental review, applicants for projects where paleontological sensitivity is high shall retain a qualified accredited paleontontologist to prepare a Paleontological Resource Monitoring Plan based on the specific construction plans. The monitoring plan shall detail the procedures for monitoring construction in areas of high or unknown sensitivity, collecting fossil remains and relevant geographic and stratigraphic data, stabilizing and preserving recovered specimens, and cataloguing and curating the collection. The monitoring plan shall include provisions for collecting a representative sample of invertebrates prior to construction,

documenting the site according to the standards developed by the National Research Council (1987), and assessing the potential of this site to contain significant vertebrate remains.

CR-3(b) Paleontological Monitoring. A qualified paleontological monitor shall observe any initial excavation, grading, or other ground disturbance which extends below the upper soil layers in in situ sedimentary rock where paleontological sensitivity is high. Paleontologists who monitor excavations must be qualified and experienced in salvaging fossils and authorized to temporarily divert equipment while removing fossils. They must be properly equipped with tools and supplies to allow for rapid removal and preparation of specimens, and trained in safe practices when working around construction equipment. If multiple pieces of heavy equipment are in use simultaneously at diverse locations during construction, each location may be monitored individually.

CR-3(c) Treatment of Paleontological Remains Discovered During Monitoring. If paleontological resources are found during excavations or other ground disturbance, work shall cease temporarily in the immediate area of the discovery. Ground disturbance may be redirected to another area so that the significance of the fossil find may be assessed. If an accredited paleontologist is not already on-site, a vertebrate paleontologist with regional experience will be contacted to inspect the excavation, assess the significance of the fossil find, recover any exposed fossils of significance, and recommend additional mitigation measures, if necessary.

A standard sample (3 to 12 cubic meters) of matrix from each site will be taken for identification of microvertebrates (rodents, birds, rabbits), especially when the potential for microvertebrates is high. The monitors also will determine whether the fossils are part of an archaeological deposit. If the fossils are found with cultural material, the site then will be considered an archaeological discovery and treated according to the procedures specified in CR-2(b) (Archaeological Resource Construction Monitoring).

Significant fossils found during construction shall be preserved by prompt removal whenever feasible. Due to the potential for rapid deterioration of exposed surface fossils, preservation by avoidance is not an appropriate measure. When a significant fossil cannot be removed immediately, stabilization is needed to prevent further deterioration prior to removal. The fossil location must be stabilized under the direction of a professional paleontologist.

At the time of collecting, each specimen or group of specimens will be clearly located and plotted on a USGS topographical quadrangle map. Field methods, other excavation activities, and working conditions during monitoring of the paleontological resources will be recorded in a field notebook or on a paleontological resources record or worksheet such as those developed by the National Research Council (1987).

Recovered specimens will be stabilized and prepared for identification. Sedimentary matrix with microfossils will be screen washed and sorted to identify the contained fossils. Removal of excess matrix during preparation reduces long-term storage requirements. Competent qualified specialists will classify individual specimens to the lowest identifiable taxon, typically to genus, species, and element. Batch identification and batch numbering (e.g., “mammal, 25 specimens”) should be avoided.

Paleontological specimens will be cataloged according to current professional standards, and a complete list of collected specimens must be prepared. A complete set of field notes, geologic maps, and stratigraphic sections must accompany the fossil collections.

All fossil remains recovered during construction and operation must be curated by a recognized, nonprofit paleontological specimen repository with a permanent curator, such as a museum or university. Specimens must be stored in a fashion that allows researchers to retrieve specific individual specimens in the future. In addition to the LACM and UCMP, qualified research facilities include California State Polytechnic University, San Luis Obispo; the Santa Barbara Museum of Natural History; or Santa Barbara City College.

The project paleontologist will complete a final report summarizing findings, describing important fossil localities (vertebrate, megainvertebrate, or plant) discovered in the project area, and explaining any mitigation measures taken. The report will include a summary of the field and laboratory methods, site geology and stratigraphy, an itemized inventory of recovered specimens, faunal lists, and site records. The report also should discuss the importance of the recovered fossil materials. The reports will be prepared by a professional paleontologist and distributed to the appropriate agencies, museums, colleges, or universities.

b. Findings – With the implementation of the above mitigation measures, impacts to Cultural Resources would be reduced to less than significant levels.

c. Supportive Evidence – Please refer to pages 4.4-17 through 4.4-20 of the Final EIR.

E. Geologic Hazards (Class II)

1. Impact G-1. The proposed Grading and Stormwater Management Ordinances would modify current development standards. This could result in a change in location for proposed development, and could result in such development being located in areas affected by active or potentially active faults. Impacts are Class II, significant but mitigable.

a. Mitigation –

G-1(a) Processing as Engineered Grading. Location of the project site relative to faults shall be considered as part of project-specific environmental review. Projects involving site development which can be affected by active or potentially active faults shall be processed as Engineered Grading. This can occur under the existing standard which provides that Engineered Grading may be required where the Director has cause to believe that geologic hazards may occur.

b. Findings – With the implementation of the above mitigation measures, impacts to Geologic Hazards would be reduced to less than significant levels.

c. Supportive Evidence – Please refer to pages 4.6-8 through 4.6-10 of the Final EIR.

F. Transportation and Circulation (Class II)

1. Impact T-1. The proposed Grading and Stormwater Management Ordinances would modify current development standards. These modified standards could alter development patterns

and result in a change in short-term construction phase traffic. This is a Class II, significant but mitigable, impact.

a. Mitigation –

T-1(a) Project-Specific Consideration of Traffic Conditions. The application for a grading permit shall be accompanied with a work schedule and a hauling plan. This information will be considered by the Planning and Building Director and the Public Works Director prior to project approval. Additionally, projects which require environmental review will be considered against existing County thresholds relating to traffic. Appropriate mitigation measures will be applied on a project-specific basis through that process.

T-1(b) Traffic Study. In certain cases, projects with the potential to significantly affect the County's roadway system may need to provide a traffic study prepared by a qualified consultant. Projects will be referred to the Department of Public Works for consideration, and the Director of Public Works shall have the authority to request such reports. Once reviewed and approved, the recommended measures identified in the traffic study shall be incorporated into the project design.

b. Findings – With the implementation of the above mitigation measures, impacts to Transportation and Circulation would be reduced to less than significant levels.

c. Supportive Evidence – Please refer to pages 4.9-8 through 4.9-9 of the Final EIR.

2. **Impact T-2.** The proposed Grading and Stormwater Management Ordinances would modify current development standards. These modified standards could result in the additional need to transport excess material needed to offset a cut/fill imbalance. This would have the affect of increasing vehicle trips on County roadways, and could result in damage to roadways due to volume and frequency of truck trips. This is a Class II, significant but mitigable, impact

a. Mitigation –

T-2(a) Reduce Imbalance. Whenever possible cut and fill associated with grading projects should be balanced on the site.

T-2(b) Consideration of the Hauling Plan. For projects requiring a large amount of import and/or export (in excess of 2,000 cumulative cubic yards), the Planning and Building Director shall have the authority to impose conditions on the grading permit that will regulate phasing and routing of the proposed trips.

T-2(c) Offsetting Damage to County Roads. Projects proposing a large amount of import and/or export (in excess of 2,000 cumulative cubic yards) shall be referred to the Department of Public Works. The Public Works Director shall identify any project having the potential to cause damage to County roads as a result of a large amount of exportation or importation of material. These projects shall be mitigated either by requiring repair of damage or payment of a mitigation fee. In any case, mitigation shall be roughly proportional to the amount of damage anticipated.

b. Findings – With the implementation of the above mitigation measures, impacts to Transportation and Circulation would be reduced to less than significant levels.

c. Supportive Evidence – Please refer to pages 4.9-9 through 4.9-10 of the Final EIR.

G. Visual Resources (Class II)

1. Impact VR-1. The proposed Grading and Stormwater Management Ordinances would modify the County's current development standards. This could lead to a potential change in development patterns and a change in physical impacts to scenic resources. Impacts would be Class II, significant but mitigable.

a. Mitigation –

VR-1(a) Project-Specific Consideration of Scenic Resources. Grading projects which are subject to environmental review, shall be considered for consistency with County thresholds of significance for aesthetics and visual resources. Review of grading proposals shall consider the following:

- Removal of trees or visually dominant vegetation.
- Location, height, massing, colors, and materials of proposed structures and retaining walls.
- Location of driveways or access roads and their associated cut and fill slopes.
- Placement of water tanks, propane tanks, and other infrastructure.
- Blending of graded slopes with surrounding natural contours.
- Blending of proposed landscaping with surrounding natural vegetation.
- "Silhouetting" resulting from the placement of structures on ridge-tops

Appropriate mitigation measures shall be discussed in the Initial Study for projects which have the potential to impact scenic resources.

VR-1(b) Criteria for Grading Permit Approval. In compliance with the proposed criteria for approval, the County shall issue a grading permit only if it can be demonstrated that the project will not create substantial long-term adverse visual effects. If this criterion cannot be satisfied, a grading permit shall only be issued after a project Environmental Impact Report has been prepared and the review authority has adopted overriding findings. Additionally, the County shall only issue grading permits where the Director first finds:

- The proposed grading design is consistent with the characteristics and constraints of the site;
- The extent and nature of proposed grading is appropriate for the use proposed, and will not create site disturbance to an extent greater than that required to establish the use; and
- Proposed grading is consistent with the General Plan and any applicable specific plan. This includes consistency with highway corridor design policies established in several of the area plans.

VR-1(c) Site Work in Scenic Areas. Grading, vegetation removal, and other landform alterations shall be minimized on sites located within areas determined by the Director to be a public view corridor from collector or arterial roads.

VR-1(d) Stormwater and Drainage Devices. Should stormwater management and drainage devices will be located where they will be highly visible from a public road or within a public viewshed, they shall be screened where practical. Additionally, such devices shall comply with the following provisions:

- Drainage devices shall be consistent with the character of the area and the existing topography.
- Exposed concrete overside drains shall be prohibited within public viewsheds. Drainage shall be conveyed by underground pipe, rock lined ditches, or other approved material to blend in with the natural topography in character, color, and design. An exception to this prohibition may be granted where a visual analysis indicates that the prohibition is unnecessary. In this circumstance, concrete drains shall be the minimum size necessary to handle drainage and ensure appropriate maintenance.
- Transitions from natural drainage courses to developed areas shall be accomplished with comparable landscaping and grading to blend with existing topography.
- Detention, retention, or recharge basins shall be designed as a visual and/or recreational amenity within a project, wherever practical.

VR-1(e) Contouring. The border of all cut and fill slopes shall be rounded off to a minimum radius of five feet to blend in with the natural terrain.

b. Findings – With the implementation of the above mitigation measures, impacts to Visual Resources would be reduced to less than significant levels.

c. Supportive Evidence – Please refer to pages 4.10-5 through 4.10-8 of the Final EIR.

2. **Impact VR-2.** The proposed Grading and Stormwater Management Ordinances would modify the County's current development standards. This could lead to a potential change in development patterns and a change in physical impacts relating to glare. Impacts would be Class II, significant but mitigable.

a. Mitigation –

VR-2(a) Project-Specific Consideration of Glare. Projects which are subject to environmental review, shall be considered for consistency with County thresholds of significance for aesthetics and visual resources. Review of proposals shall consider potential glare as a result of roofing color and material.

b. Findings – With the implementation of the above mitigation measures, impacts to Visual Resources would be reduced to less than significant levels.

c. Supportive Evidence – Please refer to pages 4.10-8 through 4.10-9 of the Final EIR.

VIII. FINDINGS FOR IMPACTS IDENTIFIED AS SIGNIFICANT AND UNAVOIDABLE (Class I)

The unavoidable significant impacts of the project are found to be acceptable due to overriding considerations (See Section IX). The findings below are for Class I impacts, where implementation of the project may result in the following significant, unavoidable environmental impacts:

A. Agricultural Resources (Class I)

1. **Impact AG-2.** The proposed Grading and Stormwater Management Ordinances would limit development on slopes over 30 percent. This could potentially result in development occurring on important farmland, where slopes tend to be more level. Impacts would be Class I, significant and unavoidable.

a. Mitigation –

AG-2(a) Director Determination. In cases where prohibiting development on steep terrain would require that development otherwise occur on prime farmland, the Director shall use his/her discretion to waive the 30 percent limitation. Waiver of ordinance requirements may be authorized under Land Use Ordinance Section 22.52.180 / Coastal Zone Land Use Ordinance Section 23.05.054.

b. Findings – Compliance with existing General Plan policies and the above listed mitigation measures would reduce impacts on agricultural resources to the extent possible. However, because the applicability of mitigation for specific projects cannot be determined at this time, the cumulative effect of implementation of the Grading and Stormwater Management Ordinances is still potentially significant and unavoidable. These impacts are acceptable by reason of the overriding considerations discussed in Section IX.

c. Supportive Evidence – Please refer to pages 4.1-6 through 4.1-8 of the Final EIR.

B. Water Resources (Class I)

1. **Impact WR-1.** The proposed Grading and Stormwater Management Ordinances would expand agricultural exemptions and the alternative review process in the Coastal Zone. This could facilitate potential expansion of agricultural facilities, such as roads and stock ponds. Reducing impediments to creation/expansion of support facilities could result in further expansion of water-intensive agricultural uses. Such uses could increase water demand in areas where water resources are limited. Since project-level information is unavailable, the magnitude of the impact is unknown. Hence, this is considered a Class I, significant and unavoidable, impact.

a. Mitigation – The proposed project would involve expanding the agricultural exemption program and introducing the alternative review processes to the Coastal Zone. As no County permit would be required for some of these agricultural uses, application of mitigation to these projects would be infeasible.

b. Findings –Because the project could result in intensification of agricultural production in areas of limited water availability, the project would potentially result in significant and unavoidable impacts to water resources. Application of mitigation which would regulate water use on agricultural operations would be infeasible, as the neither the County nor the state regulates groundwater use.

c. Supportive Evidence – These impacts are acceptable by reason of the overriding considerations discussed in Section IX.

IX. STATEMENT OF OVERRIDING CONSIDERATIONS

Findings pursuant to CEQA Guidelines sections 15093 and 15092.

A. The project's significant, unmitigable, and unavoidable adverse effects are as follows:

1. Future non-agricultural development in accordance with the Grading and Stormwater Management General Plan and Ordinance revisions could result in permanent conversion of prime farmland in order to avoid development on slopes steeper than 30 percent.
2. The Grading and Stormwater Management General Plan and Ordinance Revisions could result in an increase in water demand in areas with limited water availability, as the proposal would remove limitations on intensification of agricultural cultivation.
3. When considered cumulatively, future development in accordance with the Grading and Stormwater Management Ordinance could potentially affect biological resources, including sensitive habitat areas, special status species, and wildlife movement corridors.

B. Findings – The Board of Supervisors has weighed the benefits of the proposed project against its unavoidable environmental impacts. Based on the consideration of the record as a whole, the Board of Supervisors finds that the benefits of the project outweigh the unavoidable adverse environmental impacts to the extent that the unavoidable adverse environmental impacts become "acceptable."

C. Supporting Evidence

1. Social, Economic and Environmental Benefits. The project would result in the following social, economic and environmental benefits:
   a. Compliance with the County's Stormwater Management Program (SWMP). The State Water Resources Control Board (SWRCB) requires implementation of the SWMP as part of the County's coverage under the General Permit for Municipal Separate Storm Sewer Systems (MS4), which itself is part of Phase Two of the National Pollutant Discharge Elimination System (NPDES). Pollutants present in stormwater can have damaging effects on both human health and aquatic ecosystems. In addition, the increased flows and volumes of stormwater discharged from impervious surfaces resulting from development can significantly impact beneficial uses of aquatic ecosystems due to physical modifications of watercourses, such as bank erosion and widening of channels.
   b. An overall improvement in water quality conditions resulting from a reduction in construction-phase and post-construction discharges of pollutants into the County's stormwater conveyance system.
   c. A reduction in impacts to agricultural uses that are caused by a change in drainage and erosion conditions associated with nearby non-agricultural development.

d. A potential increase in agricultural production by streamlining the permitting process in the Coastal Zone for agricultural grading practices that do not presently qualify for an exemption.

e. A reduction in erosion and sedimentation impacts by limiting non-agricultural grading on steeply sloping terrain.

f. Better ability for the County to enforce regulations pertaining to grading, drainage, and construction-phase and post-construction stormwater discharges.

2. Mitigation Enhancement. The Final EIR contains the following to substantially lessen the significant effects of the project:

a. Recommendations to include policy-related mitigation within the County's existing regulatory framework, in order to reduce potential impacts to a variety of resources.

b. Exemptions for agricultural grading from certain regulatory restrictions, such as the slope limitation and drainage plan requirements.

c. A requirement that individual projects be reviewed for their potential to impact farmland, and that appropriate mitigation be required through the project-specific environmental review process.

d. A requirement that the Planning Director find that non-agricultural development has been located off of prime farmland to the maximum extent practicable prior to approving grading permits.

e. A requirement that topsoil be stockpiled and restored.

f. The ability for the Director to discretionarily waive the 30 percent slope limitation in circumstances where this restriction would force non-agricultural development to occur on farmland.

g. Requirements for project-specific biological review, which can include preparation of biological reports, avoidance of sensitive habitat areas (e.g. wetlands, riparian corridors), and imposition of specific biological mitigation measures.

3. Alternatives. A combination of ~~T~~the proposed project ~~alternatives~~ identified in the Final Environmental Impact Report as well as Alternative 2 (Additional Agricultural Exemptions), has been chosen as the preferred alternative. ~~a~~Although feasible from a technical standpoint, the following alternatives are rejected for the following reasons:

a. ***No project alternative.*** Under a no-project alternative, the County would fail to meet its obligations under the General Permit for Municipal Separate Storm Sewer Systems (MS4s). This would bring the County out of compliance with National Pollutant Discharge Elimination System (NPDES) Phase Two requirements. As this alternative would result in violation of state and federal regulations governing stormwater management, this alternative is rejected. Pollutants present in stormwater can have damaging effects on both human health and aquatic ecosystems. In addition, the increased flows and volumes of stormwater discharged from impervious surfaces resulting from development can significantly impact beneficial uses of aquatic ecosystems due to physical modifications of watercourses, such as bank erosion and widening of channels. The no project alternative would not be protective of the beneficial uses of local waterways.

b. ~~***Additional agricultural exemptions.*** This alternative would broaden the agricultural practices that may be exempted from a County grading permit. This alternative would not implement the project objectives in that it would not reduce impacts related to erosion, sedimentation, and stormwater discharges from certain agricultural practices that are at a higher risk for these hazards. Because large agricultural ponds, new fields and hillside benches on steep slopes, and recreational trails have a higher risk of erosion and sedimentation than other practices, these uses are best implemented under the alternative review program. This alternative would not result in the same level of benefits to hydrology and water quality as those identified for the proposed project. This alternative would not be as protective as the proposed project with regards to the beneficial uses of local waterways.~~

c. ***More restrictive agricultural exemptions.*** This alternative would reduce the types of agricultural practices that may occur as agricultural grading or under the alternative review program. This alternative would not implement the project objectives as it would further limit the agricultural exemption and alternative review program and would require certain common agricultural uses (e.g. agricultural roads) to obtain a County grading permit in most circumstances. Further restriction on agricultural uses could negatively affect agricultural production in the County. This alternative would not result in the same benefits to agricultural resources as those identified for the proposed project.

d. ***Not modifying agricultural exemptions in the Coastal Zone or adding the alternative review program to the Coastal Zone.*** This alternative would not modify the existing exempt uses in the Coastal Zone. This alternative would fail to meet the project objectives as it would not expand the agricultural exemption program and streamline the permitting process for agricultural grading in the Coastal Zone. Therefore, the benefits realized by this alternative pertaining to agricultural resources would not be realized to the same effect. Although this alternative was identified as the environmentally superior alternative, this project would not accomplish one of the project's specifically outlined objectives.

e. ***Excluding the 30 percent slope limitation in the inland ordinance.*** This alternative would not implement Draft Conservation and Open Space Element Policy SL 1.3.2. This alternative would mean that the grading ordinance would not implement a proposed General Plan policy. Additionally, this alternative would not result in the same benefits to hydrology, water quality, and visual resources as those identified for the proposed project.

The proposed Grading and Stormwater Management General Plan and Ordinance Revisions would be applied on a countywide basis. As such, the project areas are distributed throughout San Luis Obispo County. Therefore, an alternative project site was not evaluated.

X. CEQA GENERAL FINDINGS

A. The Board of Supervisors finds that changes or alterations have been incorporated into the project to mitigate or avoid significant impacts to the greatest degree practicable. These changes or

alterations include mitigation measures and project modifications outlined herein and set forth in more detail in the Grading and Stormwater Management Revisions Final EIR.

B. The Board of Supervisors finds that the project, as approved, includes an appropriate Mitigation Monitoring Program. This mitigation monitoring program ensures that measures that avoid or lessen the significant project impacts, as required by CEQA and the State CEQA Guidelines, will be implemented as described.

XI. MITIGATION MONITORING PROGRAM

A. County staff will be primarily responsible for ensuring that all mitigation measures are complied with. In general, policy-related mitigation measures will be implemented either through existing federal, state or local laws, County Ordinances, policies, and practices as identified in the Mitigation Monitoring Program. In other cases, policy-related mitigation measures will be implemented into the language of the proposed ordinances. Finally, in some cases, future development within areas identified in the Final EIR will be required to implement project-specific mitigation measures identified in the Final EIR. The County Department of Planning and Building and Environmental Divisions, will be responsible for implementing the mitigation measure compliance effort. Mitigation measures will be programmed to occur at, or prior to, the following milestones:

1. On an on-going basis, through implementation of applicable federal, state and County laws.
2. Through the provisions of the proposed ordinances, with mitigation measures programmed into the ordinances themselves.
3. By future applicants for grading permits pursuant to these ordinances, prior to issuance of construction permit/vegetation removal. These are measures that need to be undertaken before earth moving activities begin. These measures include items such as staking the limits of environmentally sensitive areas or vegetation to remain, confirming biological mitigation plans with resource agencies, and including pertinent design details in the project plans.
4. By future applicants for grading permits pursuant to these ordinances, during project construction/vegetation removal. These measures are those that need to occur as the project is being constructed or the vegetation being removed. They include monitoring the construction site for the proper implementation of dust and emission controls, erosion controls, biological protection, and examining grading areas for the presence of cultural materials.
5. By future applicants for grading permits pursuant to these ordinances, prior to completion of construction. These measures apply to project components that would go into effect at completion of the project construction phase, including items such as management or monitoring plans (e.g., revegetation, etc.).
6. By future applicants for grading permits pursuant to these ordinances, at the time of project completion or during operation of the project. These are active measures that will commence upon completion of the construction phase and, in most cases, will continue through the life of the project.
7. By future applicants for grading permits pursuant to these ordinances, prior to approval of discretionary or building permit and/or recordation of the final map.
8. By future applicants for grading permits pursuant to these ordinances, prior to occupancy or

final inspection of the development.

Connecting each of the mitigation measures to these milestones will integrate mitigation monitoring into existing County processes, as encouraged by CEQA. In each instance, implementation of the mitigation measure will be accomplished in parallel with another activity associated with the project.

B. As lead agency for the Grading and Stormwater Management General Plan and Ordinance Revisions, the Board of Supervisors hereby certifies that the approved Mitigation Monitoring Program is adequate to ensure the implementation of the mitigation measures described herein.